

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-653

Appellant(s): Kevin Hastings

vz. Appellee(s): City/Town of Westfield
Louise Vera

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 3403.3, for Courtney Hall, Westfield State College, 577 Western Avenue, Westfield, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 28, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

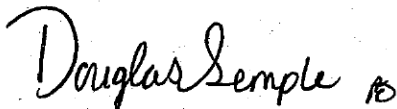
The Appellant appeared for the hearing *pro se*. Others were present as indicated on the sign-in sheet which is on file at the Department of Public Safety.

Discussion

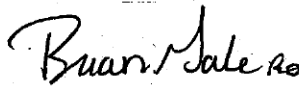
A motion was made to grant the Appellant's request for a variance from 780 CMR 3403.3, and not require that the existing standpipe be retrofitted for seismic protection. The testimony noted the enhanced level of fire safety in the building due to recent improvements and that this project did not trigger seismic modifications (per Chapter 34) to the building structure. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 3403.3, is hereby granted and so ordered² on this date: October 28, 2008.



Douglas Semple



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.